REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 5, 2008 (hereinafter Office Action) have been considered. Claims 1-5 and 8-33 remain pending in the application. The Applicants request reconsideration of the pending claims and allowance of the application in view of the present response.

Claims 1-24 and 26-33 stand rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0201448 by Wang (hereinafter "*Wang*") and further in view of U.S. Publication No. 2004/0018839 by Andric et al. (hereinafter "*Andric*"). The Applicants respectfully traverse the rejection.

The Office Action lists the factual inquiries set forth in *Graham v. John Deere Co.*, which includes determining the scope and contents of the prior art. As indicated below, the Applicants contend that the factual conclusions made by the Office relative to the pending claims are erroneous, thereby resulting in an error of law which precludes a finding of *prima facie* obviousness.

In the rejection of independent Claim 1, the Examiner indicates that *Wang*'s ¶33 teaches receiving association request data at a controller. From a review of ¶33, the Examiner is ostensibly correlating *Wang*'s local control master LCM with Claim 1's controller. Claim 1 indicates that the controller assigns association ID data, which is ultimately sent to the wireless node. This association ID data of Claim 1 includes a master ID that exclusively identifies the controller relative to any other controller within communication range of the wireless node. The Examiner concludes that *Wang*'s ¶¶0034-0035 describes such a master ID that exclusively identifies the controller relative to any other controller within communication range of the wireless node. The Applicants respectfully disagree. *Wang*'s ¶0034 indicates that the LCM allocates and transmits a unique ID code <u>for the requesting remote</u>. Cited ¶0035 continues by saying that the LCM transmits a verify command **<u>to the newly-allocated ID code</u>** <u>for the respective remote</u> to give a signal to the user...." *Wang*'s description in this regard clearly indicates that this "unique ID" of *Wang* is an **address of *Wang*'s remote control**, as the verify command is sent **<u>to</u>** that allocated ID code. This clearly does not teach what is claimed in Claim 1, which states that the controller assigns (and sends) association ID data that includes a master ID that exclusively <u>identifies the controller relative to any other</u>

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controller within communication range of the wireless node. Thus, *Wang* does not teach what the Office purports that it teaches with respect to these claim limitations.

The final paragraph of Claim 1 recites that the wireless node stores the association ID (which includes the master ID) in order to associate the wireless node with the controller. It is additionally noted that *Wang* does not teach, or suggest, that *Wang*'s remote control could, using its own address, exclusively identify the LCM relative to any other LCMs within communication range of the remote control. This additionally establishes that the "unique ID" in ¶¶0034-0035 of *Wang* does not correspond to the claimed master ID and its recited identification purposes.

The Applicants note in ¶0035 that *Wang* considers a situation where more than one local area network (LAN) exists. In this case, ¶0035 indicates that the LCM (corresponding to Claim 1's controller according to the Office Action) itself gives a signal such as a flashing light to notify the user as to which LCM is being enumerated to. Thus, it is again shown that *Wang*'s LCM fails to assign and send to a wireless node any master ID that exclusively identifies that LCM relative to others that might be in range of the wireless network.

For at least this factual inaccuracy in the correlation of *Wang* and Claim 1, a legal error in the establishment of *prima facie* obviousness exists in the rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

Additionally, Claim 1 recites that the controller-assigned association ID data includes an ID corresponding to a network served by the controller and of which the wireless node is operating, and a slave ID exclusively assigned to the wireless node relative to any other wireless nodes in the network. The Examiner cites *Wang* at ¶¶0034-0036 as teaching these additional limitations. The Applicants respectfully disagree, and thus contest the factual conclusions of the Office in the attempt to establish *prima facie* obviousness.

More specifically, it has been shown above that the "unique ID code" of *Wang*' ¶0034 is an address of *Wang*'s remote control unit. Other than "commands" or "signals" being mentioned in the cited paragraphs of *Wang* (*i.e.* the "verify command" and the "enumeration-confirmed signal"), there is no mention of identifiers in *Wang*'s ¶¶0034-0036 except for the "unique ID code" discussed above. The Applicants therefore contend that neither the cited

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portions of *Wang*, nor *Wang* in general, describe or suggest the various identifiers (IDs) that are recited in Claim 1.

For at least these additional reasons, the Applicants respectfully submit that these correlations of prior art teachings and claimed recitations exhibit factual inaccuracies resulting in an erroneous legal conclusion. As a result *prima facie* obviousness is not established with respect to Claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 1 further indicates that the association ID data assigned to the wireless node is sent by the controller using the unique ID, and that the wireless node receives and stores the association ID data. Further still, the Applicants contend that the controller does not store association ID data as claimed at the wireless node as a function of the claimed unique ID, as the only identifier described in *Wang* is the "unique ID" that serves as the remote control's address. For the reasons set forth above, *Wang* cannot teach sending, receiving or storing all of the claimed information, as *Wang* fails to teach these claimed recitations. For at least these additional reasons, *prima facie* obviousness has not been established as a result of factual inaccuracies in the rejection.

Finally, Claim 1 indicates that the wireless node receives and stores the association ID data as a function of the unique ID. *Wang* is cited at ¶0036 as teaching this. However, since the "unique ID" (*i.e.* remote control address) is all that is recited, it would be nonsensical for *Wang*'s remote control to store the "unique ID" as a function of the "unique ID." Thus, the Applicants also contend that *Wang* does not teach this additional claimed limitation.

The Examiner acknowledges that *Wang* "does not specify the unique ID code a network ID," but suggests that *Andric* discloses "master ID and network ID." It is first noted that this rejection is ambiguous, as earlier in the rejection the Examiner argued that *Wang* does teach a unique ID code, and also argued that *Wang* teaches a master ID as claimed. The Applicants request clarification if a rejection is maintained based on the *Wang* reference in this regard.

Nevertheless, *Andric* is cited as disclosing "master ID and network ID." *Andric* is cited at ¶¶0189-0190, with no reference to what in ¶¶0189-0190 allegedly discloses a master ID and network ID. The Applicants respectfully submit that nothing in ¶0189 or ¶0190 teaches "a master ID" or "a network ID" as set forth in Claim 1. Paragraph 0189 of *Andric*

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discloses a "static address" which is not a master ID or a network ID as claimed. Paragraph 0190 of *Andric* refers to a "connection request" that includes a packet type, destination address, source field, and payload field. None of this information describes a master ID exclusively identifying the controller relative to any other controller within communication range of a wireless node, or a network ID corresponding to the network served by that controller and of which the wireless node is operating. Nor does the Office Action cite anything within ¶¶0189-0190 as teaching these claimed limitations. It is respectfully submitted that the Office Action is unclear as to which teachings of *Andric* are supposedly teaching which claim limitations of Claim 1. In any event, the Applicants submit that neither ¶0189 nor ¶0190 of *Andric* remedy the deficiencies of *Wang*, and thus a combination of *Wang* and *Andric* fail to teach or suggest the limitations of Claim 1 that the Examiner alleges are described by this combination.

In summary, the Applicants respectfully contend that the alleged correlations of *Wang* and *Andric* as they apply to Claim 1 are factually incorrect, which has led to a rejection grounded in an error of law. Reconsideration and withdrawal of the rejection is respectfully requested.

Dependent Claims 2-16, which are dependent from independent Claim 1, were also rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Wang* and *Andric*. Regarding dependent Claims 5 and 6, the Examiner has made specific rejections, but Claims 5 and 6 were canceled in the prior Office Action response, and were not pending at the time the rejections were made. Accordingly, the rejections of Claims 5 and 6 are moot.

Regarding dependent Claims 2-4 and 6-16, the Applicants do not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art. However, these rejections are moot in view of the remarks made in connection with independent Claim 1. These dependent claims include all of the limitations of Claim 1 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." M.P.E.P. §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, pending dependent Claims 2-4 and

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6-16 are also allowable over the combination of *Wang* and *Andric* for the reasons set forth above in connection with Claim 1.

Independent Claim 17 is now considered. For claim limitations of Claim 17 that are analogous to claim limitations of Claim 1, the Examiner has repeated the rationale used in rejecting Claim 1 in the rejection of Claim 17. Accordingly, the Applicants traverse the rejection to Claim 17 for failure of the Office to establish a *prima facie* case of obviousness based on the cited art of record. Particularly, for the recitations of Claim 17 from the beginning of Claim 17 through the recitation "receiving and storing the association ID data at the wireless node as a function of the unique ID," the arguments presented above are equally applicable. For at least these reasons, the Applicants respectfully contend that the alleged correlations of *Wang* and *Andric* as they apply to Claim 17 are factually incorrect, which has led to a rejection grounded in an error of law. Reconsideration and withdrawal of the rejection to independent Claim 17 is respectfully requested.

Further, Claim 17 includes additional limitations such as using at least the slave ID of the stored association ID data at the wireless node to identify incoming wireless messages from the controller as messages intended for the wireless node. The same sections of *Wang*, namely ¶¶0033-0035, have been cited as teaching these recited features. The Applicants do not agree that the cited portion of *Wang* actually describes using a slave ID exclusively assigned to a wireless node in order to identify incoming messages from the controller as messages intended for it. The Applicants contest this factual finding. If the Office maintains this rejection rationale, the Applicants respectfully request more specificity as to what language in *Wang*'s ¶¶0033-0035 describes this. Further, with respect to "using at least the master ID and the network ID data at the controller…to identify incoming wireless messages sent from the wireless node," the Applicants similarly disagree that the cited ¶¶0033-0035 describe this as suggested by the Examiner. If the Office maintains this rejection rationale, the Applicants respectfully request more specificity as to what language in *Wang*'s ¶¶0033-0035 describes this.

Andric is cited as disclosing "master ID and network ID" just as *Andric* was cited in connection with the rejection of Claim 1. *Andric* is again cited at ¶¶0189-0190, with no reference to what in ¶¶0189-0190 allegedly discloses a master ID and network ID. The

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Applicants respectfully submit that nothing in ¶0189 or ¶0190 teaches "a master ID" or "a network ID" as set forth in Claim 17. Paragraph 0189 of *Andric* discloses a "static address" which is not a master ID or a network ID as claimed. Paragraph 0190 of *Andric* refers to a "connection request" that includes a packet type, destination address, source field, and payload field. None of this information describes a master ID exclusively identifying the controller relative to any other controller within communication range of a wireless node, or a network ID corresponding to the network served by that controller and of which the wireless node is operating. Nor does the Office Action cite anything within ¶¶0189-0190 as teaching these claimed limitations. It is respectfully submitted that the Office Action is unclear as to which teachings of *Andric* are supposedly teaching which claim limitations of Claim 17. In any event, the Applicants submit that neither ¶0189 nor ¶0190 of *Andric* remedy the deficiencies of *Wang*, and thus a combination of *Wang* and *Andric* fail to teach or suggest the limitations of Claim 17 that the Examiner alleges are described by this combination.

In summary, the Applicants respectfully contend that the alleged correlations of *Wang* and *Andric* as they apply to Claim 17 are factually incorrect, which has led to a rejection grounded in an error of law. Reconsideration and withdrawal of the rejection is respectfully requested.

Dependent Claims 18-22 were also rejected based on the *Wang/Andric* combination. While the Applicants do not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claim 17. These dependent claims include all of the limitations of Claim 17 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Accordingly, pending dependent Claims 18-22 are also allowable over the combination of *Wang* and *Andric* for the reasons set forth above in connection with Claim 17.

Regarding independent Claim 23, the Applicants do not acquiesce with the rejections. However, to facilitate prosecution of the application, Claim 23 has been amended to introduce the master ID, network ID, and slave ID and their respective functions in the claimed method. For the recitations of Claim 23 that correspond to those of Claim 1, the arguments presented

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above in connection with Claim 1 are equally applicable. For at least these reasons, the Applicants respectfully contend that the combination of *Wang* and *Andric* fails to describe the limitations presented in Claim 23. Reconsideration and withdrawal of the rejection to independent Claim 23 is respectfully requested. Without acquiescence to the particular stated correlations of the cited prior art and Claim 24, dependent Claim 24 is also allowable at least due to its dependence on independent Claim 23.

Dependent Claims 26-28 were also rejected based on the *Wang/Andric* combination. While the Applicants do not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claim 23. These dependent claims include all of the limitations of Claim 23 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Accordingly, pending dependent Claims 26-28 are also allowable over the combination of *Wang* and *Andric* for the reasons set forth above in connection with Claim 23.

Independent Claim 29 is now considered. For claim limitations of Claim 29 that are analogous to claim limitations of Claim 1, the Examiner has repeated the rationale used in rejecting Claim 1 in the rejection of Claim 29. Accordingly, the Applicants traverse the rejection to Claim 29 for failure of the Office to establish a *prima facie* case of obviousness based on the cited art of record. Particularly, the functional recitations of Claim 29 are analogous to the functional recitations of the method of Claim 1, and the arguments presented above in connection with Claim 1 are equally applicable to Claim 29. For at least these reasons, the Applicants respectfully contend that the alleged correlations of *Wang* and *Andric* as they apply to Claim 29 are factually incorrect, which has led to a rejection grounded in an error of law. Reconsideration and withdrawal of the rejection to independent Claim 29 is respectfully requested.

Independent Claim 30 is directed to a system that includes at least a controller and a wireless node. For claim limitations of Claim 30 that are analogous to claim limitations of Claim 1, the Examiner has repeated the rationale used in rejecting Claim 1 in the rejection of Claim 30. Accordingly, the Applicants traverse the rejection to Claim 30 for failure of the

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Office to establish a *prima facie* case of obviousness based on the cited art of record. Particularly, for the recitations of Claim 30 that are analogous to the functional recitations of the method of Claim 1, the arguments presented above in connection with Claim 1 are equally applicable to Claim 30. For at least these reasons, the Applicants respectfully contend that the alleged correlations of *Wang* and *Andric* as they apply to Claim 30 are factually incorrect, which has led to a rejection grounded in an error of law. Reconsideration and withdrawal of the rejection to independent Claim 30 is respectfully requested.

Dependent Claims 31-33 were also rejected based on the *Wang/Andric* combination. While the Applicants do not acquiesce with any particular rejections to these dependent claims, including any assertions concerning common knowledge, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claim 30. These dependent claims include all of the limitations of Claim 30 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Accordingly, pending dependent Claims 31-33 are also allowable over the combination of *Wang* and *Andric* for the reasons set forth above in connection with Claim 30.

Claim 25 is rejected based on 35 U.S.C. §103(a) as being unpatentable over *Wang* in view of *Andric* and further in view of U.S. Patent No. 6,349,883 to Simmons et al. (hereinafter "*Simmons*"). The Applicants respectfully traverse the rejection. Claim 25 is dependent from independent Claim 23. The Examiner relies upon the prior rationale as teaching the limitations of Claim 23, and uses *Simmons* as teaching a "local utility provider." However, *Simmons* is not cited as remedying the deficiencies of the *Wang/Andric* combination as it applies to the limitations of Claim 23, nor does *Simmons* describe the aforementioned deficiencies of the *Wang/Andric* combination. Consequently a combination of all three references, including *Wang, Andric* and *Simmons*, does not collectively teach or suggest what these three references individually fail to describe. Stated differently, if the above-noted limitations of Claim 23 are not described or insinuated, then a combination of these references necessarily fails to describe or suggest these same features. For at least these reasons, the combination of *Wang/Andric/Simmons* fails to teach or suggest what is claimed in

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independent Claim 23, and thus fails to teach or suggest what is claimed in dependent Claim 25. Reconsideration and withdrawal of the rejection is respectfully requested.

The Applicants respectfully submit that the factual deficiencies in correlating the cited prior art and the traversed claims result in a legal error precluding a finding of *prima facie* obviousness. The Applicants do not, however, acquiesce that other factors or requirements in establishing obviousness have been established. For instance, because the combinations of references do not teach or suggest all the claim limitations in the currently pending claims, it is respectfully submitted that *prima facie* obviousness is not established for these claims. Nevertheless the Applicants do not acquiesce with stated motivations to combine the cited references for the rejections under 35 U.S.C. §103(a). While the Applicant does not acquiesce that the proper motivation to combine the cited references has been established, and/or that the reasonable expectation of success has been established, and/or that other factors supporting *prima facie* obviousness have been established, it is respectfully submitted that *prima facie* obviousness is not established at least for the aforementioned deficiencies in the teachings/suggestions of the cited references. The Applicant reserves the right to further address other requirements for establishing *prima facie* of obviousness for these and/or other cited combinations of references if a rejection(s) is maintained and/or if a new rejection(s) is made.

Authorization is given to charge Deposit Account No. 50-3581 (HONY.015PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: June 5, 2008   By: _____

Steven R. Funk
Reg. No. 37,830

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